

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:11-CR-376-BO

UNITED STATES OF AMERICA)	
)	
v.)	ORDER OF DETENTION PENDING
)	TRIAL
TIMOTHY JOELETTE HARRIS,)	
)	
Defendant.)	

This case came before the court on 4 January 2012 for hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain defendant pending trial. The government presented the testimony of a detective with the Raleigh Police Department on a task force of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, and defendant the testimony of the proposed third-party custodian, defendant's brother. The court also reviewed the pretrial services report. After careful consideration pursuant to 18 U.S.C. § 3142(g) of the credible information and argument submitted, and based on the findings and reasons stated below and in open court, the court finds by a preponderance of the evidence that there is no condition or combination of conditions that will reasonably assure defendant's appearance as required, and by clear and convincing evidence that there is no condition or combination of conditions that will reasonably assure the safety of any other person and the community before trial. The government's motion is therefore GRANTED.

Defendant was indicted on 21 December 2011 for the following two offenses: possession of a firearm and ammunition by a convicted felon on or about 11 October 2010 in violation of 18 U.S.C. §§ 922(g)(1) and 924 (ct. 1); and possession of two firearms and ammunition by a felon on or about 22 June 2011 in violation of the same statutes (ct. 2). The law requires that defendant be detained pending trial based on the strength of the government's case against him, his extensive criminal history (including over 30 misdemeanors and repeated probation violations), the absence

of a suitable third-party custodial arrangement, his commission of the second offense charged while on probation, and the other findings and reasons stated in open court. The court considered evidence offered as mitigating, but finds that the factors favoring detention outweigh such evidence.

IT IS THEREFORE ORDERED that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

This, the 6th day of January 2012.



James E. Gates
United States Magistrate Judge